

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Black Rock Truck Group, Inc.,

Plaintiff,

- against -

Tarasiewicz et al.,

Defendants.

PAUL E. DAVISON, U.S.M.J.:

This Order addresses a dispute regarding plaintiff's invocation of attorney-client privilege as to portions of a January 29, 2019 email from Black Rock's president to other Black Rock executives. Because plaintiffs inadvertently disclosed the email, and now seek to withdraw it from their production pursuant to a clawback agreement, defense counsel are familiar with the entire email, and concede that the email is privileged apart from the contested passages. The parties have submitted letter-briefs [Dkt. 140, 146], which have been sealed because they discuss privileged communications. In addition, defense counsel has submitted a copy of the relevant email chain – highlighting the contested passages – to the Court for *in camera* inspection.

The contested email was responsive to the following inquiry: "What was feedback from attorneys here[?]" The Court notes that, under settled law, "the privilege protects from disclosure communications among corporate employees that reflect advice rendered by counsel to the corporation. *Bank Brussels Lambert v. Credit Lyonnais (Suisse) S.A.*, 160 F.R.D. 437, 442 (S.D.N.Y. 1995)(citing cases). After considering the arguments of counsel and reviewing the contested email *in camera*, the Court readily concludes that the entire email, including the

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contested portions, are privileged, substantially for the reasons articulated by plaintiff's counsel. Defendants' application to compel disclosure (or, more accurately, to resist clawback) of the email is, therefore, **DENIED**.

The Clerk shall close Dkt. 140.

Dated: November 12, 2020
White Plains, New York

SO ORDERED



Paul E. Davison, U.S.M.J.